



ECF UPDATE

United States Bankruptcy Court, Northern District of Texas

Volume 3, Issue 1

Court Information

ECF Help Desk

800-442-6850

Online ECF Help

www.txnb.uscourts.gov/help

Website

www.txnb.uscourts.gov

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Errors – Who me?

Once a petition or document is filed with the clerk's office, it is reviewed for accuracy and completeness. Over 80 hours are spent each day by clerk's office staff performing this review. If mistakes are found, the attorney filer may be contacted to correct the problem or clerk's office staff may correct it. Either way, a record is made of the error, the filing party, and the corrective action. Next, we review the error logs to determine if additional training may be required, a new event needs to be created, or an event modified to help prevent the error from reoccurring. To help prevent errors take a few extra moments when you are filing documents to ensure the information you are submitting is correct. The following are examples of information that can have major impacts on a case if entered in error:

Adversary Proceeding Case

ATTORNEYS – Please take note!

Please do not initiate direct contact with a judge or judge's staff concerning any case specific or non-case specific information arising in or potentially affecting pro-



Opening - the party filing the adversary should add him- or herself as the plaintiff's attorney. The filing attorney is not automatically associated with the plaintiff when the adversary proceeding is opened and may not receive important notices regarding the proceeding unless added correctly. Do not add the defendant's attorney. The defendant's attorney will be added when the answer is filed.

Debtor's address – Use the debtor's mailing address (not street address), zip code and county. This type of error prevents the timely noticing of important information such as the §341 meeting, dismissal or discharge

notice and notices of upcoming hearings or may result in the case being assigned to the incorrect division.

Statistical data – Verify that the estimated assets/estimated debts, nature of debts and type of debtor reflected on the petition PDF matches the information entered in ECF. These errors impact debtor's net worth national filing statistical data, and the future budget allocations to the local court.

Form 21-Statement of Social Security Number – form 21 is attached to the petition or the wrong PDF is attached as form 21. Form 21 is a very important document that should be filed separately from the petition package to protect the debtor's privacy and help prevent identity theft. The information contained on Form 21 is sensitive information, but crucial to ensure creditors

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ceedings in the court. **All inquiries, telephone calls, and e-mails should be directed to the Clerk's office.** Please check PACER or VCIS for inquiries re-

garding case information or the status of motions and orders.

ECF UPDATE



Extension of the Automatic Stay Under 11 U.S.C. § 362(c)(3)(B)

When seeking a continuation of the automatic stay under 11 U.S.C. § 362(c)(3)(B), the debtor or debtor's attorney must file a motion seeking such a continuation, and must set the motion for hearing on notice to all parties against whom the debtor seeks to continue the stay. The motion should specifically identify the creditor or creditors to be stayed if the motion is granted. The motion should be filed promptly upon the commencement of the case so that the motion can be heard without the need for an expedited or emergency hearing. At the hearing on the motion, the debtor must present evidence demonstrating that the new case is filed in good faith as to the creditor(s) to be stayed. Normally, the evidence will come from the debtor's actual testimony at the hearing. If the debtor does not testify, it will be difficult for the debtor to overcome the presumption of bad faith found in 11 U.S.C. § 362(c)(3)(C).

Errors – Who me?

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identify the correct person and the bankruptcy court has a valid debtor's social security number for issuing discharges or dismissals.

SSN or Tax ID – We have identified a large number of cases in which careless mistakes are made when entering the social security and tax identification number. This particular type of error impacts not only the debtor, but also the person whose social security number or tax identification number was entered in error. The error causes non-bankrupt consumers countless hours of their personal time contacting the clerk's office, credit reporting agencies, creditors and lenders to request correction. In addition, creditors do not properly identify the debtor in bankruptcy and may proceed on foreclosures or repossessions, placing the creditor in violation of

the stay.

Matrix – The list of creditors must be filed with the petition, at the time of filing, in PDF format, with the verification page, and the creditors **text** file uploaded. This information is required for the timely noticing of the §341 meeting. Valuable staff time is spent contacting the debtor or debtor's attorney requesting the matrix be filed within 48 hours and then tracking the case to ensure compliance or dismissal.

Linking Documents – CM/ECF allows the filer to link related documents. For example, link the summons served to the complaint, link the notice of hearing to the motion being heard, and link objections to the plan to the plan. Using correct linkages helps ensure that documents are appropriately set for hearing and to establish relationships between documents filed in the case.

Event codes – Select the ECF event specific to your needs.

Common errors include selecting Notice (generic) event instead of a notice of hearing event. Selecting the generic notice event instead of the notice of hearing event will not place the matter on the court's calendar. For example, when the summons is served, the summons service executed event should be used so that this deadline is satisfied in the adversary proceeding. Each ECF event has been specially programmed for its specific purpose—please contact the Help Desk if you have difficulty locating the correct event.

Creditor not added as a party – When docketing a motion to avoid lien, please add the lien holder/creditor when prompted to do so. Otherwise, the creditor will not be added as a party to the case and will not receive important notices and information re-

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At a Glance Petition Deficiencies Under the Act

One of the biggest challenges that face debtors when filing bankruptcy is accurately completing all the necessary forms and documents. Statutory and locally established deadlines have been designed to ensure all the necessary information is timely filed. Failure to complete these forms and documents by the appropriate dead-

line may result in dismissal. Every attempt should be made by debtors and their attorneys to **file complete petition packages**. Filing requirements and deficiency due dates are detailed on page 3.

Check petition deficiencies in ECF: Under Query > Deadline/Schedule you can generate a report listing outstanding dead-

lines on a particular case. Reminder: The docket may not reflect the cured deficiency until the next working day after the event has been docketed, to allow for review and correction by the clerk's office.

Filing Requirements and Deficiency Due Dates

*All Petitions, Schedules, and Statements are due when the case is filed.

	Ch 7	Ch 13	Ch 11	Ch 12	Ch 15
Filing Fee, app for installments, or IFP app	Due at filing, \$274 (\$50 min if in installments)	Due at filing, \$189 (\$50 min if in installments)	Due at filing, \$1039 (\$100 min if in installments)	Due at filing, \$239 (\$50 min if in installments)	\$1039
Matrix and Verification	Due at filing; 2 days for creditor text file	Due at filing; 2 days for creditor text file	Due at filing; 2 days for creditor text file	Due at filing; 2 days for creditor text file	See Ch 15 Service List
Plan		15 days		90 days	
Schedules	15 days, A-J indiv or A-B & D-H business	15 days, A-J	15 days, A-J indiv or A-B & D-H business	15 days, A-J indiv or A-B & D-H business	
Statement Financial Affairs	15 days	15 days	15 days	15 days	
Atty Fee Disclosure	15 days	15 days	15 days	15 days	
20 Largest Unsecured Creditors			15 days		
Cert of Completion—Credit Counseling	3 days, for indiv debtor—Check box on 2nd pg of petition + separate entry for certification form	3 days—Check box on 2nd pg of petition + separate entry for certification form	3 days, for indiv debtor type—Check box on 2nd pg of petition + separate entry for certification form	3 days, for indiv debtor type—Check box on 2nd pg of petition + separate entry for certification form	
Employee Income Records	Indiv only, 15 days	15 days	Indiv only, 15 days	Indiv only, 15 days	
Current Monthly Income—Means Test	15 days, for indiv debtor with primarily consumer debts—Form 22A	15 days—Form 22C	15 days, for indiv debtor—Form 22B		
Balance Sheet, Statement of Operations, Cash-Flow Statement			Upon filing small business—If involuntary, within 7 days after the date of the order for relief		
Ch 15 Service List					15 days—In PDF
Verification of SSN	Indiv debtor type, 2 days,	2 days	Indiv debtor type, 2 days	Indiv debtor type, 2 days	
Current petition form—3 page	15 days	15 days	15 days	15 days	15 days
Section 316 Incomplete Filings	45 days, if any deficiency in case, will be auto dismissed if all deficiencies not met	45 days, if any deficiency in case, will be auto dismissed if all deficiencies not met			

ECF UPDATE



**BANKRUPTCY
REFORM ACT—
PRACTICE FOR
NEW
BANKRUPTCY
REFORM
MOTIONS**

*Motions to Dismiss by a party other than the debtor are excepted from L.B.R. 2005-01. If the motion does not include a request for negative notice language, set for hearing. Case may be dismissed automatically after the expiration of the 45-day requirement.

** Handled as a request for expedited hearing.

***May be self-calendared provided the total hearing time does not exceed the 30-minute limit for self-calendaring. The total hearing time of 30 minutes includes presentations by both sides.

Motion Title	Judicial Review	Negative Notice	Set for Hearing	Self-Calendared***
Motion for Exemption from Means Test			X	X
Motion to Extend Time for Credit			X	X
Motion for Extension of the Automatic Stay			X	
Motion for Exemption from Credit Counseling	X			X
Motion for Exemption from Financial Management Course	X			X
Motion for Appt of Consumer Ombudsman			X	X
Motion to Restrict Public Access (bar disclosure of information)	X			X
Trustee's Motion to Determine Value of Property			X	X
Motion to Release Funds from Court Registry (or Motion to Withdraw Funds from the Registry)	X		X	X
Motion to Avoid Lien on Household Goods		X		X
Motion to Dismiss Case for Failure to File Required documents (§ 521)			X*	X
Motion to Extend Time to File Schedules	X			X
Objection to Homestead Exemption		X		X
Motion to Delay Discharge			X	X
Motion to Seal			X	X
Motion to Expunge	X			X
Motion to Cancel Meeting of Creditors			X	X
Motion to Increase Assurance Payment (Adequate Protection)			X	X
Application to Proceed in forma pauperis	X			X
Motion for Reinstatement of Retiree Benefits				X
Chapter 15 proceeding			X**	

ECF or Diskette Filing Document Types

Petitions, pleadings

- PDF FORMAT (scanned documents)

Matrices

- TXT (text) FORMAT

Orders in ECF Order Upload

- WORD PROCESSING FORMAT (specifically, WordPerfect or Microsoft Word)

ERRORS—WHO ME?

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garding their property.

Presently the clerk's office will alert the attorney filer when critical errors occur. If the error is repetitive, a follow up training class may be offered and/or a letter from the clerk's office sent to the attorney requesting immediate attention and improvement.



Digital Recording of Courtroom Hearings

We are pleased to announce the implementation of a new process for recording courtroom proceedings in the Dallas and Fort Worth divisions.

For The Record, also known as FTR, is a digital recording system that will allow transcript requests to be processed through the Internet and will improve the turnaround time of transcript requests. The procedure for requesting transcripts can be found on our website.

New Form Motion and Order Available

To help you navigate through the new Bankruptcy Reform maze, we have created a form Motion to Waive Certification of Credit Counseling and the corresponding Order Re: Credit Counseling. You can locate these forms on the website under "Forms".

Employee Income Records—What and When Do I File?

Call them Employee Income Records or Payment Advices, the court requires evidence of payment received by the debtor from any employer within 60 days before the filing of the petition. If the debtor has no income or receives Social Security benefits, a



statement to that effect should be filed. Please remember to redact the SSN if the SSN appears on the document filed, and please use the Employee Income Records event. Using the correct event will help prevent the case from being dismissed for failure to file these documents. Please caption your PDF as Employee Income Records with the pertinent case number and debtor name(s) to help the court better determine what is being filed.

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